IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE FOURTEENTH DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE D.S.R.VARMA

WRIT PETITION NO : 4856 of 2005

Between:

Rayalaseema Concrete Sleepers Pvt. Limited, S.P. Road, Secunderabad, Rep by its Sr. Manager (Legal), Sunil Kumar Palnitkar, S/o. Late Balvanth Rao, aged 40 years, R/o. Hyderabad.

..... PETITIONER

AND

Station House Officer, Kasapur Police Station, Guntakal, Ananthapur District.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ of Mandamus or any other appropriate Writ, Order or Orders, Direction or Directions to direct the respondent to act in accordance with law and to direct the Respondent to provide police protection to the petitioner, its officers and men for removal and dispatch of the finished stocks like concrete Sleepers, Accessories etc., from its Factory Premises at Thimmanacherla, Gooti Road, Anantapur District to be delivered to South Central Railway and pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.

Counsel for the Petitioner: MR.V.SRINIVAS

Counsel for the Respondent: GP FOR HOME

The Court at the stage of admission made the following :

***ORAL ORDER*:**

Heard both sides. Perused the material placed before me.

Petitioner seeking a direction to the respondent to act in accordance with law and further a direction to the respondent to provide police protection to the petitioner for the purpose of removal and dispatch of the finished stocks like concrete sleepers, accessories etc, from its factory premises at Thimmanacherla, Gooti road, Ananthapur District to be delivered to Sough Central Railway, filed this writ petition.

From the affidavit filed in support of the petition, the facts appear to be that the petitioner wanted to close down the industrial unit at Gooti. The closure is subject matter of a dispute on the file of the Labour Court at Ananthapur in I.D. No. 191 of 2004. It appears that there is some stock, which is already manufactured and made ready and supposed to be delivered to the railways. In the meanwhile, the railway authorities had also addressed a letter to the petitioner to despatch the stocks.

It is the contention of the learned counsel for the petitioner that if the finished products, which are lying in the factory premises, are not despatched to the railways, as agreed upon, the petitioner will be made liable not only for penal

action, but also mulcted with civil liability by way of damages.

It is the further grievance of the petitioner that already 50% of the workers have settled their accounts with the petitioner but the remaining workers have been obstructing the process of lifting the stock that is to be delivered to the railways.

The stocks, which are already made ready and lying in the petitioner-company for dispatch to the railways, as per the agreement entered into between the petitioner and the railways, have nothing to do with the closure of the Unit, as of today, since the dispute of closure of the unit is pending before the competent Court, constituted under the Industrial Disputes Act. Under those circumstances, there is no option for the petitioner except to seek the assistance of the police.

Having regard to the facts and circumstances of the case, the petitioner is directed to shift the stocks as required by the railways, as expeditiously as possible, and if necessary, the same can be done with the assistance of the respondent. It is made clear that as and when any hindrance is being caused to the petitioner by anybody in the process of shifting the stocks, and if the petitioner makes any complaint in connection therewith, the respondent shall extend the necessary protection to the petitioner as well as to the stocks to be despatched to the railways, with all efficacy.

With the above directions, the writ petition is disposed of at the stage of admission. No costs.

14-03-2005

Note:

Issue CC in two days

B/0

kvsn

To

1. Station House Officer, Kasapur Police Station, Guntakal, Ananthapur District.

2. Two CCs to the GP for Home, High Court buildings, Hyderabad.

3. Two CCs.